

## **REMARKS / ARGUMENTS**

In response to the Office Action dated December 31, 2007, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks.

### **Status of Claims**

Claims 1-5, 7, 8, 10-22, 24-30, and 32-42 were pending and were rejected by the Examiner. Claims 1, 10, 24, and 32 have been amended. No new matter has been introduced by these amendments. Accordingly, claims 1-5, 7, 8, 10-22, 24-30, and 32-42 are presented and at issue.

### **Rejections Under 35 U.S.C. §102(b)**

Claims 1-5, 7, 8, 10-12, 14-22, 24-30, 32-34, and 36-42 stand rejected under 35 U.S.C. §102(b) as being anticipated by Jagadish et al. (U.S. Patent No. 5,987,108, hereinafter Jagadish).

Applicants traverse this rejection for the following reasons.

Applicants respectfully submit that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, *in a single prior art reference.*” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the \*\*\* claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Furthermore, the single source must disclose all of the claimed elements “arranged as in the claim.” *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Applicants have amended independent claim 1 to now recite, *inter alia*, “wherein said demarcation interval applies to all communication on the voice channel between a subscriber directory number and a directory number of the respective plurality of

directory numbers of other subscribers, such that the subscriber directory number is either an origination point or a termination point for the communication on the voice channel.” Corresponding features are recited in independent claims 10, 24 and 32. No new matter has been added by these amendments as antecedent support may be found in the specification as originally filed, such as at Paragraphs [0019] to [0021].

Jagadish discloses a technique for telephone call processing wherein telephone usage is controlled based on customer established budgets (col. 1, lines 16-19). Customer specific information including pricing data and budget parameters for a customer are stored, as is summary information related to customer telephone usage. A network switch receives a call setup response indicating whether summary information of the caller exceeds at least one budgetary limit of the caller and determines whether to complete the call based on the call setup response. Thus, Jagadish involves controlling outgoing calls in response to the caller’s budget. The calls are controlled by not allowing a call to be completed if the budget is exceeded. However, Jagadish neither discloses nor suggests controlling incoming calls in response to the caller’s budget. Moreover, Jagadish does not disclose controlling a completed call that is already in progress.

In contrast to the techniques disclosed in Jagadish, Applicants’ invention as set forth in independent claims 1, 10, 24, and 32 controls incoming calls as well as outgoing calls. More specifically, Applicants’ demarcation interval applies to all communication on the voice channel between a subscriber directory number and a directory number of the respective plurality of directory numbers of other subscribers, such that the subscriber directory number is either an origination point or a termination point for the communication on the voice channel. Additionally, unlike the approach taken by Jagadish, Applicants’ claimed demarcation interval applies to calls that are already in progress.

Moreover, although the Examiner alleges that col. 3, lines 66 - col. 4, line 9 and col. 5, lines 19-28 of Jagadish disclose Applicants’ claimed feature of “associating each of a respective plurality of director numbers of other subscribers with a corresponding default demarcation interval”, this is incorrect. The cited passage in Jagadish fails to disclose or suggest any such feature, and merely indicates that budget parameters may be defined based upon a budgetary arrangement requested by the customer, wherein the

customer profile may include pricing data that is used to price each telephone call. However, Jagadish fails to teach or suggest that the profile includes a plurality of directory numbers of other subscribers. Jagadish also fails to teach or suggest that each of respective numbers is associated with a corresponding demarcation interval.

In view of the foregoing considerations, Applicants submit that Jagadish fails to disclose all of the elements set forth in independent claims 1, 10, 24, and 32. Absent anticipatory disclosure in Jagadish of each and every element of the claimed invention as arranged in the claims, Jagadish cannot be anticipatory. Thus, it is submitted that claims 1, 10, 24, and 32 are allowable over Jagadish. Dependent claims inherit all of the recitations of the respective parent claim. Thus, claims 2-5, 7, 8, 11-12, 14-22, 25-30, 33-34, and 36-42 are allowable over Jagadish for the reasons set forth above in connection with claims 1, 10, 24, and 32. Accordingly, Applicants respectfully submit that the Examiner's rejection under 35 U.S.C. §102(b) has been traversed, and request that the Examiner reconsider and withdraw this rejection.

#### **Rejections Under 35 U.S.C. §103(a)**

Claims 1-5, 7-8, 10-12, 14-22, 24-30, 32-34, and 36-42 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cai et al. (U.S. Patent No. 6,590,970, hereinafter "Cai") in view of Kamel (U.S. Patent No. 6,009,150, hereinafter "Kamel") and further in view of Jagadish et al. (U.S. Patent No. 5,987,108, hereinafter "Jagadish" . Regarding independent claims 1, 10, 24 and 32, the Examiner acknowledges that Cai does not specifically disclose Applicants' claimed feature of setting a limit on the duration of a voice channel communication wherein the subscriber provides demarcation information. Thus, the Examiner looks to Kamel in an attempt to cure this deficiency. The Applicants agree with the Examiner that Cai does not specifically disclose Applicants' claimed feature of setting a limit on the duration of a voice channel communication wherein the subscriber provides demarcation information.

The Examiner also acknowledges that Cai does not specifically disclose initiating a billing of the subscriber for accepting and enforcing the demarcation information where the subscriber provides the demarcation information and the information specifies a

monetary amount, as called for in independent claims 1, 10, 24, and 32. Thus, the Examiner looks to Jagadish in an attempt to cure this deficiency. The Applicants agree with the Examiner that Cai does not specifically disclose initiating a billing of the subscriber for accepting and enforcing the demarcation information where the subscriber provides the demarcation information and the information specifies a monetary amount.

Applicants respectfully traverse these rejections for the following reasons. The obviousness rejection is improper as the References (namely, Cai, Kamel, and Jagadish) fail to teach or suggest each and every element of the instant invention. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

Even if the teachings of Cai, Kamel, and Jagadish are somehow combined, the resulting combination fails to meet applicants' claimed invention. Amended claim 1 recites, *inter alia*, "the demarcation information implementing one or more of: *associating each of a respective plurality of directory numbers of other subscribers with a corresponding demarcation interval, or identifying one or more directory numbers of other subscribers to which a corresponding demarcation interval does not apply, or associating each of a respective plurality of directory numbers of other subscribers with a corresponding default demarcation interval*" (emphasis added). The demarcation information is now described as applying to communications for which a subscriber's directory number is an origination point or a termination point. Corresponding features are recited in independent claims 10, 24 and 32.

Moreover, as stated previously, Applicants have amended independent claim 1 to now recite, *inter alia*, "wherein said demarcation interval applies to all communication on the voice channel between a subscriber directory number and a directory number of the respective plurality of directory numbers of other subscribers, such that the subscriber directory number is either an origination point or a termination point for the communication on the voice channel." Corresponding features are recited in independent claims 10, 24 and 32.

Jagadish discloses a technique for telephone call processing wherein telephone usage is controlled based on customer established budgets (col. 1, lines 16-19). Customer specific information including pricing data and budget parameters for a customer are stored, as is summary information related to customer telephone usage. A network switch receives a call setup response indicating whether summary information of the caller exceeds at least one budgetary limit of the caller and determines whether to complete the call based on the call setup response. Thus, Jagadish involves controlling outgoing calls in response to the caller's budget. The calls are controlled by not allowing a call to be completed if the budget is exceeded. However, Jagadish neither discloses nor suggests controlling incoming calls in response to the caller's budget. Moreover, Jagadish does not disclose controlling a completed call that is already in progress. Finally, Jagadish does not disclose that the demarcation interval applies to all communication on the voice channel between a subscriber directory number and a directory number of the respective plurality of directory numbers of other subscribers, such that the subscriber directory number is either an origination point or a termination point for the communication on the voice channel.

In contrast to the techniques disclosed in Jagadish, Applicants' invention as set forth in independent claims 1, 10, 24, and 32 controls incoming calls as well as outgoing calls. More specifically, Applicants' demarcation interval applies to all communication on the voice channel between a subscriber directory number and a directory number of the respective plurality of directory numbers of other subscribers, such that the subscriber directory number is either an origination point or a termination point for the communication on the voice channel. Additionally, unlike the approach taken by Jagadish, Applicants' claimed demarcation interval applies to calls that are already in progress.

Moreover, although the Examiner alleges that col. 3, lines 66 - col. 4, line 9 and col. 5, lines 19-28 of Jagadish disclose Applicants' claimed feature of "associating each of a respective plurality of director numbers of other subscribers with a corresponding default demarcation interval", this is incorrect. The cited passage in Jagadish fails to disclose or suggest any such feature, and merely indicates that budget parameters may be defined based upon a budgetary arrangement requested by the customer, wherein the

customer profile may include pricing data that is used to price each telephone call. However, Jagadish fails to teach or suggest that the profile includes a plurality of directory numbers of other subscribers. Jagadish also fails to teach or suggest that each of respective numbers are associated with a corresponding demarcation interval.

Cai and Kamel fail to remedy the deficiencies of Jagadish. Thus, Jagadish, Cai, and Kamel fail to disclose, either expressly or inherently, all of the elements present in claims 1, 10, 24 and 32. Specifically, Cai and Kamel do not disclose or suggest *associating each of a respective plurality of directory numbers with a corresponding demarcation interval*. Moreover, neither Cai, nor Kamel discloses or suggests *identifying one or more directory numbers to which a corresponding demarcation interval does not apply*. In addition, neither Cai nor Kamel discloses or suggests *“associating each of a respective plurality of directory numbers with a corresponding default demarcation interval*. Furthermore, neither Cai nor Kamel discloses or suggests using demarcation information that applies to communications *for which a subscriber’s directory number is an origination point or a termination point*. Additionally, Neither Cai nor Kamel discloses Applicants’ claimed demarcation interval that applies to all communication on the voice channel between a subscriber directory number and a directory number of the respective plurality of directory numbers of other subscribers, such that the subscriber directory number is either an origination point or a termination point for the communication on the voice channel. Additionally, unlike the approach taken by Cai and Kamel, Applicants’ claimed demarcation interval applies to calls that are already in progress.

Cai discloses a telephone system that allows a customer to make a free bonus call after listening to an advertisement wherein the duration of the free bonus call is determined by the sponsoring entity. According to Cai, the sponsoring entity, and not the customer, is billed for this service (see col. 6, lines 1-4 of Cai). Specifically, Cai discloses using an algorithm to bill a sponsoring entity for a free bonus call which lasts for a predetermined time period. Cai does not teach or suggest any functionality related to associating each of respective directory numbers with corresponding demarcation information. By way of an additional distinction, Cai limits the length of the free bonus call as a function of the cost of the call. In view of the foregoing, Cai fails to disclose

Applicants' claimed initiating a billing of the subscriber for accepting and enforcing demarcation information.

Cai does not teach or suggest allowing the caller or subscriber to determine the length of the free bonus call. In fact, such an arrangement is counter-intuitive given the fact that the sponsoring entity is billed for the free bonus call and would potentially be exposed to subscribers who select very long time durations for their bonus calls. Thus, Cai provides no mechanism whatsoever for accepting demarcation information from a subscriber specifying at least one of a time interval or a monetary amount.

Kamel discloses a technique for delivering promotional messages by telephone. The user selects a number of promotional messages which are then played back to earn a desired period of time for free or subsidized calling (see col. 2, lines 44-51 of Kamel). Kamel does not teach or suggest any functionality related to associating each of respective directory numbers with corresponding demarcation information. Moreover, Kamel neither discloses nor suggests billing of the subscriber for the purpose of accepting and enforcing call demarcation information. Moreover, Kamel neither discloses nor suggests use of demarcation information that specifies at least one of a time interval or a monetary amount. Instead, Kamel discloses the subscriber selecting a quantity of advertisements to earn a desired amount of calling credits, with the subscriber being restricted to fixed blocks of calling credits based upon the number of available advertisements. There is no mechanism by which the system disclosed in Kamel can accept a subscriber-specified time interval or monetary amount.

As discussed previously, Jagadish discloses techniques for telephone call processing that provide control of telephone usage based on customer established budgets. Customer specific information including pricing data and budget parameters for a customer is stored, as is summary information relating to customer telephone usage. A call setup query is received from a network switch. A call setup response is generated based on the budget parameters and the summary information and the call setup response is transmitted to the network switch. In order to generate the stored summary information, a plurality of records is received wherein each record describes a telephone

call. A priced call value for each call is determined using the record and the customer specific information. Summary information for the customer is determined using the record, the priced call values and the budget parameters. However, Jagadish does not teach or suggest any functionality related to associating each of respective directory numbers with corresponding demarcation information. Furthermore, Jagadish does not disclose or suggest that demarcation information applies to communications *for which a subscriber's directory number is an origination point or a termination point*.

In view of the foregoing considerations, Cai, Kamel, and Jagadish fail to disclose, either expressly or inherently, all of the elements present in claims 1, 10, 24 and 32. Claims 2-5, 7, and 8 depend from claim 1; thus, these claims are believed to be allowable at least due to their dependency on claim 1. Claims 11-22 depend from claim 10; thus, these claims are believed to be allowable at least due to their dependency on claim 10. Claims 25-30 depend from claim 24; thus, these claims are believed to be allowable at least due to their dependency on claim 24. Finally, claims 33-42 depend from claim 32; thus, these claims are believed to be allowable at least due to their dependency on claim 32.

Claims 13 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cai in view of Kamel, further in view of Jagadish and further in view of Smith (U.S. Patent No. 5,559,871, hereinafter "Smith"). Dependent claims inherit all recitations of the corresponding base claim and any intervening claims. Claim 13 depends from independent claim 10. Likewise, claim 35 depends from independent claim 32. Accordingly, claim 13 is believed to be allowable at least due to its dependency on claim 10, and claim 35 is believed to be allowable at least due to its dependency on claim 32.

Moreover, Cai, Kamel, Jagadish and Smith fail to disclose, either expressly or inherently, all of the elements present in claims 10 and 32 as stated above. For further details regarding Cai, Kamel, and Jagadish, refer to the previous discussion in connection with the Examiner's rejection of claims 1, 3-5, 7-12, 14, 15, 17, 19-22, 24-34, 36, 37, and 39-43.



Smith describes a technique for placing a limit on charges to be incurred for a telecommunications call. The telecommunications network maintains a running tally of the charges being incurred and notifies the caller when the charges approach a limit. At that time, the caller may specify a new limit, simply disconnect, or be disconnected by the network. Smith includes no teaching or suggestion that billing of the subscriber is initiated for accepting and enforcing demarcation information. Moreover, Smith does not disclose or suggest Applicants' claimed feature of setting a time limit on the duration of a voice channel communication. Smith keeps a running tally of charges irrespective of call duration, yet provides no mechanism by which, for example, a subscriber can limit the duration of a free local call.

In view of the foregoing considerations, Cai, Kamel, Jagadish and Smith fail to disclose, either expressly or inherently, all of the elements present in claims 10 and 32. As indicated above, claim 13 depends from claim 10 and claim 35 depends from claim 32; thus, claims 13 and 35 are believed to be allowable at least due to their dependency on an allowable base claim.

**CONCLUSION**

In view of the foregoing analysis, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,  
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Applicants' Attorneys

Dated: this 2<sup>nd</sup> Day of June 2008

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